

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No.5:19-cv-00834-
)	DAE
v.)	
)	
JOHN DOE,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S ADVISORY

Plaintiff, Malibu Media, LLC (“Plaintiff”), hereby provides it’s advisory regarding the Plaintiff’s status and ability to legally go through with the pending lawsuit, and states:

As of the date of this filing, Malibu Media, LLC has been unable to cure the defect with its corporate status. Plaintiff is continuing its efforts to do so.

Plaintiff respectfully submits that it is able to legally go through with the pending lawsuit because such a defect is a mere technicality that once cured the Fifth Circuit has held relates the entity’s status back to good standing as if the defect never occurred. Defendant has alleged an affirmative defense that the jury may consider regarding Plaintiff’s status. The jury may decide this issue on the merits at trial. Accordingly, Plaintiff respectfully submits that it may go through with the pending lawsuit and this case should proceed to trial.

Dated: December 16, 2022

Respectfully submitted,

By: /s/ Paul S. Beik
PAUL S. BEIK

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CERTIFICATE OF SERVICE

I hereby certify that, on December 16, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik
PAUL S. BEIK